

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Mary Duffy Purdy,

Plaintiffs,

v.

Circle K Stores, Inc.,

Defendant.

Case No.: 4:22-cv-01298-JD
Formerly Case No. 2022CP2600824

NOTICE OF REMOVAL

TO: THE UNITED STATES COURT:

Defendant, Circle K Stores, Inc., would respectfully show the Court in support of its Notice of Removal that:

1. The Summons and Complaint in this action were filed on February 7, 2022 in the Court of Common Pleas for Horry County, South Carolina. Attached for the Court are copies of Plaintiff's Summons and Complaint filed as state court documents. The Complaint is the first pleading served upon the Defendant in this action and service was effected on February 11, 2022.

2. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. §1332. The Plaintiff is a resident and citizen of the State of South Carolina. Defendant is incorporated in the State of Texas and has its principal place of business in the State of Arizona. The action has been brought by the Plaintiff against the Defendant for the alleged accident which occurred in Horry County, South Carolina.

3. Venue is proper in this matter in the Florence Division of this Court in accordance with 28 U.S.C. §1441(a).

4. Upon information and belief, the amount in controversy in this matter exceeds \$75,000.00 based on Plaintiff's response to Request for Admission received April 20, 2022 which indicated that the amount in controversy exceeds \$75,000.00. Pursuant to 28 U.S.C. §1446(b)(3), §1446(c)(3)(A) the Plaintiff's response to the Request for Admission was the "paper from which it may be first ascertained that the case is one which is or has become removable." Therefore, removal is timely under 28 U.S.C. §1446(b).

5. Defendant will furnish a copy of this Notice of Removal to the Clerk of Court for Horry County.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.

s/Ryan C. Holt

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April 21, 2022